

EXHIBIT 2

TO REPORT AND
RECOMMENDATION
FOR CLASS MEMBERS
THERESA HARDAWAY,
MARIA TAVAREZ, AND
ZENEIDA MARCELO

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
ELSA GULINO, MAYLING RALPH, PETER WILDS,
and NIA GREENE, on behalf of themselves and all others
similarly situated,

Plaintiffs,

- against -

THE BOARD OF EDUCATION OF THE CITY
SCHOOL DISTRICT OF THE CITY OF NEW YORK,

Defendant.
----- X

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:
: 96 Civ. 8414 (KMW)
:
:
:

: **[PROPOSED]**
: **CONSENT ORDER**
: **AND**
: **JUDGMENT**
: **FOR**
: **THERESA**
: **HARDAWAY**

WHEREAS, the Court certified a remedy-phase class of Plaintiffs (*See Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Opinion and Order, No. 96-cv-8414, [ECF No. 386]), and Theresa Hardaway ("Claimant") is a member of that class;

WHEREAS, the Court appointed a Special Master (*See* May 20, 2014 Order of Appointment, [ECF No. 435]; November 12, 2014 Second Amended Order of Appointment, [ECF No. 524]) to hear, among other things, demands for damages;

WHEREAS, the Special Master made, and the Court adopted, Classwide Conclusions of Law, [ECF Nos. 999, 1008];

WHEREAS, the Board of Education of the City School District of the City of New York ("BOE") and Plaintiffs entered into, and the Court so ordered, a Stipulation of Classwide Facts & Procedures, [ECF No. 1009];

WHEREAS, the BOE and Plaintiffs entered into, and the Court so ordered, a Sixth Supplemental Stipulation Concerning Admissibility of Exhibits, which attached a Sixth Supplemental Index of Exhibits (collectively referred to as the "Classwide Exhibits") filed with the Court, [ECF No. 8247];

WHEREAS, Plaintiffs and the BOE have prepared the annexed Stipulated Findings of Fact and Conclusions of Law for Theresa Hardaway (Exhibit 1), which the Plaintiffs and BOE agree that the Court should adopt;

WHEREAS, Plaintiffs and BOE consent to entry of this order and final judgment for Theresa Hardaway pursuant to Federal Rule of Civil Procedure 54(b); and

WHEREAS, Plaintiffs and BOE have agreed not to appeal this order and final judgment for Theresa Hardaway.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the annexed Stipulated Findings of Fact and Conclusions of Law for Theresa Hardaway (Exhibit 1) is adopted;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Theresa Hardaway will have judgment against the BOE in the amount of \$129,867.00, consisting of:

1. Backpay in the amount of \$83,596.00;
2. Tax-component award in the amount of \$9,823.00;
3. LAST Fees in the amount of \$340.00;
4. CAR Award in the amount of \$1,881.00;
5. Pre-judgment interest calculated to be \$34,227.00; and
6. Pension-related relief pursuant to the terms of the Court's Order dated December 17, 2018 (Pension Stipulation & Order, [ECF No. 1014]).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, BOE will pay Theresa Hardaway her judgment pursuant to the following schedule, with each of the various types of monetary damages paid pro rata in each payment:

1. \$64,933.50 no later than February 28, 2023;
2. \$21,644.50 no later than September 30, 2024;
3. \$21,644.50 no later than September 30, 2025; and
4. \$21,644.50 no later than September 30, 2026.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Theresa Hardaway will be entitled to the following non-monetary relief:

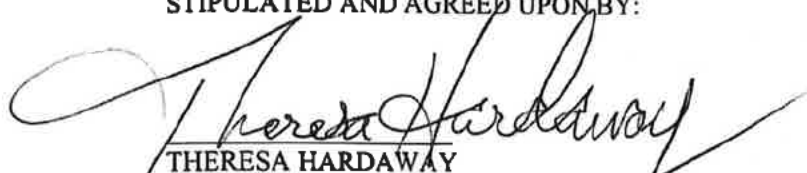
1. The BOE is ordered to amend its internal service, salary, payroll, and human resources systems as follows:
 - a. Incorporate the "Pension Inputs" detailed in Paragraph 4 of Exhibit 1;
 - b. Incorporate Theresa Hardaway's counterfactual monthly service history, as listed on Exhibit A to the Stipulated Findings and Fact and Conclusions of Law for Theresa Hardaway; and
 - c. Grant Theresa Hardaway retroactive seniority based on her counterfactual monthly service history, as described in Paragraph 4 of Exhibit 1.

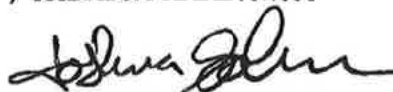
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this judgment be certified as final pursuant to Federal Rule of Civil Procedure 54(b).

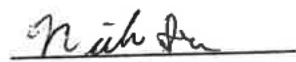
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this action for purposes of carrying out the terms of the Consent Order and Judgment, or granting such further relief as this Court deems just and proper.

Dated: 12/7/22

STIPULATED AND AGREED UPON BY:


THERESA HARDAWAY


Joshua S. Sohn
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, NY 10038
Counsel for Plaintiffs


Nicholas Green
Assistant Corporation Counsel
The City of New York Law Department
100 Church Street
New York, NY 10007
Counsel for Defendant

ENTERED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
ELSA GULINO, MAYLING RALPH, PETER WILDS,
and NIA GREENE, on behalf of themselves and all others
similarly situated,

Plaintiffs,

- against -

THE BOARD OF EDUCATION OF THE CITY
SCHOOL DISTRICT OF THE CITY OF NEW YORK,

Defendant.
----- X

:
:
: 96 Civ. 8414 (KMW)
:
: **STIPULATED**
: **FINDINGS OF FACT**
: **AND CONCLUSIONS**
: **OF LAW FOR**
: **THERESA**
: **HARDAWAY**
:
:
: X

1. Pursuant to the parties' Sixth Stipulation Regarding Expedited Hearing Process, dated October 21, 2021, the parties stipulate to the following;
2. Theresa Hardaway is a member of the Plaintiff class in this action, and is entitled to monetary and injunctive relief from Defendant, the Board of Education of the City School District of the City of New York ("BOE"), as compensation for the injuries she suffered as a result of what the Court found to be the BOE's discrimination.²⁶
3. Based on the evidence presented, and the Special Master's prior rulings in this action, which have been affirmed by the Court, Theresa Hardaway has satisfied her burden of establishing her entitlement to the following monetary relief:
 - a. Backpay in the amount of \$83,596.00;
 - b. A tax-component award in the amount of \$9,823.00;
 - c. \$340.00 to compensate her for the fees she paid to take the Liberal Arts and Sciences Test;
 - d. CAR award in the amount of \$1,881.00; and
 - e. Pre-judgment interest in the amount of \$34,227.00.

²⁶ See *Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Opinion and Order, 1:96-cv-08414, [ECF No. 321]; *Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Opinion and Order, 1:96-cv-08414, [ECF No. 386].

4. Based on the Special Master's and the Court's prior rulings in this action, Theresa Hardaway has satisfied her burden of establishing her entitlement to the following non-monetary relief:
- a. The BOE's internal service, salary, payroll, and human resources systems should be amended to incorporate Theresa Hardaway's counterfactual monthly BOE service history, as listed in the column entitled Title on Exhibit A;
 - b. Theresa Hardaway should receive retroactive seniority, based on the counterfactual monthly BOE service listed in the column entitled BOE Employment Title on Exhibit A, with respect to salary-step advancement, longevity bonuses, accrual of years of service for pension, post-retirement health care benefits, accrual of CAR days, sabbatical leave rights, restoration of health leave rights, and hardship transfers;
 - c. Pursuant to the procedures set forth in the Pension Stipulation & Order, [ECF No. 1014], the following information regarding Theresa Hardaway (the "Pension Inputs") should be imported into the Teachers' Retirement System of the City of New York:
 - i. Date of Birth — [REDACTED], 1971
 - ii. Gender — Female
 - iii. Address — [REDACTED] Yonkers, NY 10703
 - iv. Counterfactual date of appointment as a regularly appointed teacher — December 25, 1995
 - v. BOE Employment Title — As listed in column entitled Title on Exhibit A
 - vi. Annual contractual salary — As listed in column entitled Counterfactual Annual Salary on Exhibit A
 - vii. Monthly contractual salary — As listed in column entitled Counterfactual Monthly Earnings on Exhibit A
 - viii. Dates of breaks in service (if any) —
 1. September 4, 2001 – January 1, 2002
 2. February 1, 2013 – July 31, 2013
 3. March 4, 2014 – September 1, 2014
 - ix. Termination of regularly appointed teacher service (if any) — June 17, 2015
 - x. Retirement date (if any) — N/A

STIPULATED AND AGREED UPON BY:



Joshua S. Sohn
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, NY 10038
Counsel for Plaintiffs



Nicholas Green
The City of New York Law Department
100 Church Street
New York, NY 10007
Counsel for Defendant

DATED: 12/27/2022

Exhibit A --
BOE Employment Title, Counterfactual Annual Salary
and Counterfactual Monthly Earnings

| Month | BOE Employment Title | Counterfactual Annual Salary | Counterfactual Monthly Earnings |
|--------------|-----------------------------|-------------------------------------|--|
| 1995-12 | Regularly Appointed Teacher | \$28,749 | \$2,396 |
| 1996-01 | Regularly Appointed Teacher | \$28,749 | \$2,396 |
| 1996-02 | Regularly Appointed Teacher | \$28,749 | \$2,396 |
| 1996-03 | Regularly Appointed Teacher | \$28,749 | \$2,396 |
| 1996-04 | Regularly Appointed Teacher | \$28,749 | \$2,396 |
| 1996-05 | Regularly Appointed Teacher | \$28,749 | \$2,396 |
| 1996-06 | Regularly Appointed Teacher | \$28,749 | \$2,396 |
| 1996-07 | Regularly Appointed Teacher | \$28,749 | \$2,396 |
| 1996-08 | Regularly Appointed Teacher | \$28,749 | \$2,396 |
| 1996-09 | Regularly Appointed Teacher | \$28,749 | \$2,396 |
| 1996-10 | Regularly Appointed Teacher | \$28,749 | \$2,396 |
| 1996-11 | Regularly Appointed Teacher | \$28,749 | \$2,396 |
| 1996-12 | Regularly Appointed Teacher | \$29,324 | \$2,444 |
| 1997-01 | Regularly Appointed Teacher | \$29,324 | \$2,444 |
| 1997-02 | Regularly Appointed Teacher | \$29,324 | \$2,444 |
| 1997-03 | Regularly Appointed Teacher | \$29,324 | \$2,444 |
| 1997-04 | Regularly Appointed Teacher | \$29,324 | \$2,444 |
| 1997-05 | Regularly Appointed Teacher | \$29,324 | \$2,444 |
| 1997-06 | Regularly Appointed Teacher | \$29,324 | \$2,444 |
| 1997-07 | Regularly Appointed Teacher | \$33,049 | \$2,754 |
| 1997-08 | Regularly Appointed Teacher | \$33,049 | \$2,754 |
| 1997-09 | Regularly Appointed Teacher | \$33,049 | \$2,754 |
| 1997-10 | Regularly Appointed Teacher | \$34,041 | \$2,837 |
| 1997-11 | Regularly Appointed Teacher | \$34,041 | \$2,837 |
| 1997-12 | Regularly Appointed Teacher | \$34,633 | \$2,886 |
| 1998-01 | Regularly Appointed Teacher | \$34,633 | \$2,886 |
| 1998-02 | Regularly Appointed Teacher | \$34,633 | \$2,886 |
| 1998-03 | Regularly Appointed Teacher | \$34,633 | \$2,886 |
| 1998-04 | Regularly Appointed Teacher | \$34,633 | \$2,886 |
| 1998-05 | Regularly Appointed Teacher | \$34,633 | \$2,886 |
| 1998-06 | Regularly Appointed Teacher | \$34,633 | \$2,886 |
| 1998-07 | Regularly Appointed Teacher | \$34,633 | \$2,886 |
| 1998-08 | Regularly Appointed Teacher | \$34,633 | \$2,886 |
| 1998-09 | Regularly Appointed Teacher | \$34,633 | \$2,886 |
| 1998-10 | Regularly Appointed Teacher | \$35,326 | \$2,944 |
| 1998-11 | Regularly Appointed Teacher | \$35,326 | \$2,944 |
| 1998-12 | Regularly Appointed Teacher | \$35,930 | \$2,994 |
| 1999-01 | Regularly Appointed Teacher | \$35,930 | \$2,994 |
| 1999-02 | Regularly Appointed Teacher | \$35,930 | \$2,994 |
| 1999-03 | Regularly Appointed Teacher | \$35,930 | \$2,994 |
| 1999-04 | Regularly Appointed Teacher | \$36,648 | \$3,054 |
| 1999-05 | Regularly Appointed Teacher | \$36,648 | \$3,054 |
| 1999-06 | Regularly Appointed Teacher | \$36,648 | \$3,054 |
| 1999-07 | Regularly Appointed Teacher | \$36,648 | \$3,054 |
| 1999-08 | Regularly Appointed Teacher | \$36,648 | \$3,054 |
| 1999-09 | Regularly Appointed Teacher | \$36,648 | \$3,054 |
| 1999-10 | Regularly Appointed Teacher | \$36,648 | \$3,054 |
| 1999-11 | Regularly Appointed Teacher | \$36,648 | \$3,054 |
| 1999-12 | Regularly Appointed Teacher | \$38,598 | \$3,217 |
| 2000-01 | Regularly Appointed Teacher | \$38,598 | \$3,217 |
| 2000-02 | Regularly Appointed Teacher | \$38,598 | \$3,217 |

Exhibit A --
BOE Employment Title, Counterfactual Annual Salary
and Counterfactual Monthly Earnings

| Month | BOE Employment Title | Counterfactual Annual Salary | Counterfactual Monthly Earnings |
|--------------|-----------------------------|-------------------------------------|--|
| 2000-03 | Regularly Appointed Teacher | \$38,598 | \$3,217 |
| 2000-04 | Regularly Appointed Teacher | \$38,598 | \$3,217 |
| 2000-05 | Regularly Appointed Teacher | \$38,598 | \$3,217 |
| 2000-06 | Regularly Appointed Teacher | \$38,598 | \$3,217 |
| 2000-07 | Regularly Appointed Teacher | \$38,598 | \$3,217 |
| 2000-08 | Regularly Appointed Teacher | \$38,598 | \$3,217 |
| 2000-09 | Regularly Appointed Teacher | \$38,598 | \$3,217 |
| 2000-10 | Regularly Appointed Teacher | \$38,598 | \$3,217 |
| 2000-11 | Regularly Appointed Teacher | \$40,142 | \$3,345 |
| 2000-12 | Regularly Appointed Teacher | \$40,805 | \$3,400 |
| 2001-01 | Regularly Appointed Teacher | \$40,805 | \$3,400 |
| 2001-02 | Regularly Appointed Teacher | \$40,805 | \$3,400 |
| 2001-03 | Regularly Appointed Teacher | \$40,805 | \$3,400 |
| 2001-04 | Regularly Appointed Teacher | \$40,805 | \$3,400 |
| 2001-05 | Regularly Appointed Teacher | \$40,805 | \$3,400 |
| 2001-06 | Regularly Appointed Teacher | \$40,805 | \$3,400 |
| 2001-07 | Regularly Appointed Teacher | \$40,805 | \$3,400 |
| 2001-08 | Regularly Appointed Teacher | \$40,805 | \$3,400 |
| 2001-09 | Regularly Appointed Teacher | \$40,805 | \$3,400 |
| 2001-10 | Regularly Appointed Teacher | \$40,805 | \$3,400 |
| 2001-11 | Regularly Appointed Teacher | \$42,845 | \$3,570 |
| 2001-12 | Regularly Appointed Teacher | \$42,845 | \$3,570 |
| 2002-01 | Regularly Appointed Teacher | \$42,845 | \$3,570 |
| 2002-02 | Regularly Appointed Teacher | \$42,845 | \$3,570 |
| 2002-03 | Regularly Appointed Teacher | \$43,559 | \$3,630 |
| 2002-04 | Regularly Appointed Teacher | \$44,809 | \$3,734 |
| 2002-05 | Regularly Appointed Teacher | \$44,809 | \$3,734 |
| 2002-06 | Regularly Appointed Teacher | \$44,809 | \$3,734 |
| 2002-07 | Regularly Appointed Teacher | \$44,809 | \$3,734 |
| 2002-08 | Regularly Appointed Teacher | \$44,809 | \$3,734 |
| 2002-09 | Regularly Appointed Teacher | \$47,922 | \$3,994 |
| 2002-10 | Regularly Appointed Teacher | \$47,922 | \$3,994 |
| 2002-11 | Regularly Appointed Teacher | \$47,922 | \$3,994 |
| 2002-12 | Regularly Appointed Teacher | \$47,922 | \$3,994 |
| 2003-01 | Regularly Appointed Teacher | \$47,922 | \$3,994 |
| 2003-02 | Regularly Appointed Teacher | \$47,922 | \$3,994 |
| 2003-03 | Regularly Appointed Teacher | \$50,554 | \$4,213 |
| 2003-04 | Regularly Appointed Teacher | \$53,017 | \$4,418 |
| 2003-05 | Regularly Appointed Teacher | \$53,017 | \$4,418 |
| 2003-06 | Regularly Appointed Teacher | \$53,017 | \$4,418 |
| 2003-07 | Regularly Appointed Teacher | \$53,017 | \$4,418 |
| 2003-08 | Regularly Appointed Teacher | \$53,017 | \$4,418 |
| 2003-09 | Regularly Appointed Teacher | \$53,017 | \$4,418 |
| 2003-10 | Regularly Appointed Teacher | \$53,017 | \$4,418 |
| 2003-11 | Regularly Appointed Teacher | \$53,017 | \$4,418 |
| 2003-12 | Regularly Appointed Teacher | \$54,078 | \$4,507 |
| 2004-01 | Regularly Appointed Teacher | \$54,078 | \$4,507 |
| 2004-02 | Regularly Appointed Teacher | \$54,078 | \$4,507 |
| 2004-03 | Regularly Appointed Teacher | \$57,061 | \$4,755 |
| 2004-04 | Regularly Appointed Teacher | \$57,061 | \$4,755 |
| 2004-05 | Regularly Appointed Teacher | \$57,061 | \$4,755 |

Exhibit A --
BOE Employment Title, Counterfactual Annual Salary
and Counterfactual Monthly Earnings

| Month | BOE Employment Title | Counterfactual Annual Salary | Counterfactual Monthly Earnings |
|--------------|-----------------------------|-------------------------------------|--|
| 2004-06 | Regularly Appointed Teacher | \$57,061 | \$4,755 |
| 2004-07 | Regularly Appointed Teacher | \$57,061 | \$4,755 |
| 2004-08 | Regularly Appointed Teacher | \$57,061 | \$4,755 |
| 2004-09 | Regularly Appointed Teacher | \$57,061 | \$4,755 |
| 2004-10 | Regularly Appointed Teacher | \$57,061 | \$4,755 |
| 2004-11 | Regularly Appointed Teacher | \$57,061 | \$4,755 |
| 2004-12 | Regularly Appointed Teacher | \$59,058 | \$4,922 |
| 2005-01 | Regularly Appointed Teacher | \$59,058 | \$4,922 |
| 2005-02 | Regularly Appointed Teacher | \$59,058 | \$4,922 |
| 2005-03 | Regularly Appointed Teacher | \$59,058 | \$4,922 |
| 2005-04 | Regularly Appointed Teacher | \$59,058 | \$4,922 |
| 2005-05 | Regularly Appointed Teacher | \$59,058 | \$4,922 |
| 2005-06 | Regularly Appointed Teacher | \$59,058 | \$4,922 |
| 2005-07 | Regularly Appointed Teacher | \$59,058 | \$4,922 |
| 2005-08 | Regularly Appointed Teacher | \$59,058 | \$4,922 |
| 2005-09 | Regularly Appointed Teacher | \$59,058 | \$4,922 |
| 2005-10 | Regularly Appointed Teacher | \$59,058 | \$4,922 |
| 2005-11 | Regularly Appointed Teacher | \$62,306 | \$5,192 |
| 2005-12 | Regularly Appointed Teacher | \$62,306 | \$5,192 |
| 2006-01 | Regularly Appointed Teacher | \$62,306 | \$5,192 |
| 2006-02 | Regularly Appointed Teacher | \$62,306 | \$5,192 |
| 2006-03 | Regularly Appointed Teacher | \$62,306 | \$5,192 |
| 2006-04 | Regularly Appointed Teacher | \$66,004 | \$5,500 |
| 2006-05 | Regularly Appointed Teacher | \$66,004 | \$5,500 |
| 2006-06 | Regularly Appointed Teacher | \$66,004 | \$5,500 |
| 2006-07 | Regularly Appointed Teacher | \$66,004 | \$5,500 |
| 2006-08 | Regularly Appointed Teacher | \$66,004 | \$5,500 |
| 2006-09 | Regularly Appointed Teacher | \$66,004 | \$5,500 |
| 2006-10 | Regularly Appointed Teacher | \$68,151 | \$5,679 |
| 2006-11 | Regularly Appointed Teacher | \$68,151 | \$5,679 |
| 2006-12 | Regularly Appointed Teacher | \$68,151 | \$5,679 |
| 2007-01 | Regularly Appointed Teacher | \$68,151 | \$5,679 |
| 2007-02 | Regularly Appointed Teacher | \$68,151 | \$5,679 |
| 2007-03 | Regularly Appointed Teacher | \$68,151 | \$5,679 |
| 2007-04 | Regularly Appointed Teacher | \$68,151 | \$5,679 |
| 2007-05 | Regularly Appointed Teacher | \$68,151 | \$5,679 |
| 2007-06 | Regularly Appointed Teacher | \$68,151 | \$5,679 |
| 2007-07 | Regularly Appointed Teacher | \$68,151 | \$5,679 |
| 2007-08 | Regularly Appointed Teacher | \$68,151 | \$5,679 |
| 2007-09 | Regularly Appointed Teacher | \$68,151 | \$5,679 |
| 2007-10 | Regularly Appointed Teacher | \$69,514 | \$5,793 |
| 2007-11 | Regularly Appointed Teacher | \$69,514 | \$5,793 |
| 2007-12 | Regularly Appointed Teacher | \$69,514 | \$5,793 |
| 2008-01 | Regularly Appointed Teacher | \$69,514 | \$5,793 |
| 2008-02 | Regularly Appointed Teacher | \$69,514 | \$5,793 |
| 2008-03 | Regularly Appointed Teacher | \$69,514 | \$5,793 |
| 2008-04 | Regularly Appointed Teacher | \$69,514 | \$5,793 |
| 2008-05 | Regularly Appointed Teacher | \$72,990 | \$6,083 |
| 2008-06 | Regularly Appointed Teacher | \$72,990 | \$6,083 |
| 2008-07 | Regularly Appointed Teacher | \$72,990 | \$6,083 |
| 2008-08 | Regularly Appointed Teacher | \$72,990 | \$6,083 |

Exhibit A --
BOE Employment Title, Counterfactual Annual Salary
and Counterfactual Monthly Earnings

| Month | BOE Employment Title | Counterfactual Annual Salary | Counterfactual Monthly Earnings |
|--------------|-----------------------------|-------------------------------------|--|
| 2008-09 | Regularly Appointed Teacher | \$72,990 | \$6,083 |
| 2008-10 | Regularly Appointed Teacher | \$72,990 | \$6,083 |
| 2008-11 | Regularly Appointed Teacher | \$72,990 | \$6,083 |
| 2008-12 | Regularly Appointed Teacher | \$72,990 | \$6,083 |
| 2009-01 | Regularly Appointed Teacher | \$72,990 | \$6,083 |
| 2009-02 | Regularly Appointed Teacher | \$72,990 | \$6,083 |
| 2009-03 | Regularly Appointed Teacher | \$72,990 | \$6,083 |
| 2009-04 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2009-05 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2009-06 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2009-07 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2009-08 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2009-09 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2009-10 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2009-11 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2009-12 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2010-01 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2010-02 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2010-03 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2010-04 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2010-05 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2010-06 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2010-07 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2010-08 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2010-09 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2010-10 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2010-11 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2010-12 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2011-01 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2011-02 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2011-03 | Regularly Appointed Teacher | \$75,092 | \$6,258 |
| 2011-04 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2011-05 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2011-06 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2011-07 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2011-08 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2011-09 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2011-10 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2011-11 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2011-12 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2012-01 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2012-02 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2012-03 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2012-04 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2012-05 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2012-06 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2012-07 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2012-08 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2012-09 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2012-10 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2012-11 | Regularly Appointed Teacher | \$79,531 | \$6,628 |

Exhibit A --
BOE Employment Title, Counterfactual Annual Salary
and Counterfactual Monthly Earnings

| Month | BOE Employment Title | Counterfactual Annual Salary | Counterfactual Monthly Earnings |
|--------------|-----------------------------|-------------------------------------|--|
| 2012-12 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2013-01 | Regularly Appointed Teacher | \$79,531 | \$6,628 |
| 2013-02 | Regularly Appointed Teacher | \$47,719 | \$3,977 |
| 2013-03 | Regularly Appointed Teacher | \$47,719 | \$3,977 |
| 2013-04 | Regularly Appointed Teacher | \$47,719 | \$3,977 |
| 2013-05 | Regularly Appointed Teacher | \$48,196 | \$4,016 |
| 2013-06 | Regularly Appointed Teacher | \$48,196 | \$4,016 |
| 2013-07 | Regularly Appointed Teacher | \$48,196 | \$4,016 |
| 2013-08 | Regularly Appointed Teacher | \$80,326 | \$6,694 |
| 2013-09 | Regularly Appointed Teacher | \$80,326 | \$6,694 |
| 2013-10 | Regularly Appointed Teacher | \$80,326 | \$6,694 |
| 2013-11 | Regularly Appointed Teacher | \$80,326 | \$6,694 |
| 2013-12 | Regularly Appointed Teacher | \$80,326 | \$6,694 |
| 2014-01 | Regularly Appointed Teacher | \$80,326 | \$6,694 |
| 2014-02 | Regularly Appointed Teacher | \$80,326 | \$6,694 |
| 2014-03 | Regularly Appointed Teacher | \$80,326 | \$6,694 |
| 2014-04 | Regularly Appointed Teacher | \$81,502 | \$6,792 |
| 2014-05 | Regularly Appointed Teacher | \$82,317 | \$6,860 |
| 2014-06 | Regularly Appointed Teacher | \$82,317 | \$6,860 |
| 2014-07 | Regularly Appointed Teacher | \$82,317 | \$6,860 |
| 2014-08 | Regularly Appointed Teacher | \$82,317 | \$6,860 |
| 2014-09 | Regularly Appointed Teacher | \$82,317 | \$6,860 |
| 2014-10 | Regularly Appointed Teacher | \$82,317 | \$6,860 |
| 2014-11 | Regularly Appointed Teacher | \$82,317 | \$6,860 |
| 2014-12 | Regularly Appointed Teacher | \$82,317 | \$6,860 |
| 2015-01 | Regularly Appointed Teacher | \$82,317 | \$6,860 |
| 2015-02 | Regularly Appointed Teacher | \$82,317 | \$6,860 |
| 2015-03 | Regularly Appointed Teacher | \$82,317 | \$6,860 |
| 2015-04 | Regularly Appointed Teacher | \$82,317 | \$6,860 |
| 2015-05 | Regularly Appointed Teacher | \$84,803 | \$7,067 |

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELSA GULINO, MAYLING RALPH, PETER WILDS,
and NIA GREENE, on behalf of themselves and all others
similarly situated,

Plaintiffs,

- against -

THE BOARD OF EDUCATION OF THE CITY
SCHOOL DISTRICT OF THE CITY OF NEW YORK,

Defendant.

96 Civ. 8414 (KMW)

PROPOSED
CONSENT ORDER
AND
JUDGMENT
FOR
MARIA TAVAREZ

WHEREAS, the Court certified a remedy-phase class of Plaintiffs (*See Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Opinion and Order, No. 96-cv-8414, [ECF No. 386]), and Maria Tavaréz ("Claimant") is a member of that class;

WHEREAS, the Court appointed a Special Master (*See* May 20, 2014 Order of Appointment, [ECF No. 435]; November 12, 2014 Second Amended Order of Appointment, [ECF No. 524]) to hear, among other things, demands for damages;

WHEREAS, the Special Master made, and the Court adopted, Classwide Conclusions of Law, [ECF Nos. 999, 1008];

WHEREAS, the Board of Education of the City School District of the City of New York ("BOE") and Plaintiffs entered into, and the Court so ordered, a Stipulation of Classwide Facts & Procedures, [ECF No. 1009];

WHEREAS, the BOE and Plaintiffs entered into, and the Court so ordered, a Sixth Supplemental Stipulation Concerning Admissibility of Exhibits, which attached a Sixth Supplemental Index of Exhibits (collectively referred to as the "Classwide Exhibits") filed with the Court, [ECF No. 8247];

WHEREAS, Plaintiffs and the BOE have prepared the annexed Stipulated Findings of Fact and Conclusions of Law for Maria Tavaréz (Exhibit 1), which the Plaintiffs and BOE agree that the Court should adopt;

WHEREAS, Plaintiffs and BOE consent to entry of this order and final judgment for Maria Tavaréz pursuant to Federal Rule of Civil Procedure 54(b); and

WHEREAS, Plaintiffs and BOE have agreed not to appeal this order and final judgment for Maria Tavaréz.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the annexed Stipulated Findings of Fact and Conclusions of Law for Maria Tavaréz (Exhibit 1) is adopted;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Maria Tavaréz will have judgment against the BOE in the amount of \$13,470.00, consisting of:

1. Backpay in the amount of \$8,296.00;
2. LAST Fees in the amount of \$340.00;
3. Pre-judgment interest calculated to be \$4,834.00; and
4. Pension-related relief pursuant to the terms of the Court's Order dated December 17, 2018 (Pension Stipulation & Order, [ECF No. 1014]).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, BOE will pay Maria Tavaréz her judgment no later than February 28, 2023.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Maria Tavaréz will be entitled to the following non-monetary relief:

1. The BOE is ordered to amend its internal service, salary, payroll, and human resources systems as follows:
 - a. Incorporate the "Pension Inputs" detailed in Paragraph 4 of Exhibit 1;
 - b. Incorporate Maria Tavaréz's counterfactual monthly service history, as listed on Exhibit A to the Stipulated Findings and Fact and Conclusions of Law for Maria Tavaréz; and
 - c. Grant Maria Tavaréz retroactive seniority based on her counterfactual monthly service history, as described in Paragraph 4 of Exhibit 1.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this judgment be certified as final pursuant to Federal Rule of Civil Procedure 54(b).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this action for purposes of carrying out the terms of the Consent Order and Judgment, or granting such further relief as this Court deems just and proper.

Dated: 1/7/23

STIPULATED AND AGREED UPON BY:


MARIA TAVAREZ



Joshua S. Sohn
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, NY 10038
Counsel for Plaintiffs



Nicholas Green
Assistant Corporation Counsel
The City of New York Law Department
100 Church Street
New York, NY 10007
Counsel for Defendant

ENTERED

Exhibit 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELSA GULINO, MAYLING RALPH, PETER WILDS,
and NIA GREENE, on behalf of themselves and all others
similarly situated,

Plaintiffs,

- against -

THE BOARD OF EDUCATION OF THE CITY
SCHOOL DISTRICT OF THE CITY OF NEW YORK,

Defendant.

x

96 Civ. 8414 (KMW)

STIPULATED
FINDINGS OF FACT
AND CONCLUSIONS
OF LAW FOR
MARIA TAVAREZ

x

1. Pursuant to the parties' Sixth Stipulation Regarding Expedited Hearing Process, dated October 21, 2021, the parties stipulate to the following;
2. Maria Tavaréz is a member of the Plaintiff class in this action, and is entitled to monetary and injunctive relief from Defendant, the Board of Education of the City School District of the City of New York ("BOE"), as compensation for the injuries she suffered as a result of what the Court found to be the BOE's discrimination.¹³
3. Based on the evidence presented, and the Special Master's prior rulings in this action, which have been affirmed by the Court, Maria Tavaréz has satisfied her burden of establishing her entitlement to the following monetary relief:
 - a. Backpay in the amount of \$8,296.00;
 - b. \$340.00 to compensate her for the fees she paid to take the Liberal Arts and Sciences Test; and
 - c. Pre-judgment interest in the amount of \$4,834.00.
4. Based on the Special Master's and the Court's prior rulings in this action, Maria Tavaréz has satisfied her burden of establishing her entitlement to the following non-monetary relief:
 - a. The BOE's internal service, salary, payroll, and human resources systems should be amended to incorporate Maria Tavaréz's counterfactual monthly BOE service history, as listed in the column entitled Title on Exhibit A;

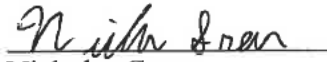
¹³ See *Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Opinion and Order, 1:96-cv-08414, [ECF No. 321]; *Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Opinion and Order, 1:96-cv-08414, [ECF No. 386].

- b. Maria Tavaréz should receive retroactive seniority, based on the counterfactual monthly BOE service listed in the column entitled BOE Employment Title on Exhibit A, with respect to salary-step advancement, longevity bonuses, accrual of years of service for pension, post-retirement health care benefits, accrual of CAR days, sabbatical leave rights, restoration of health leave rights, and hardship transfers;
- c. Pursuant to the procedures set forth in the Pension Stipulation & Order, [ECF No. 1014], the following information regarding Maria Tavaréz (the "Pension Inputs") should be imported into the Teachers' Retirement System of the City of New York:
 - i. Date of Birth — [REDACTED] 1958
 - ii. Gender — Female
 - iii. Address — [REDACTED] Yonkers, NY 10701
 - iv. Counterfactual date of appointment as a regularly appointed teacher — September 17, 1995
 - v. BOE Employment Title — As listed in column entitled Title on Exhibit A
 - vi. Annual contractual salary — As listed in column entitled Counterfactual Annual Salary on Exhibit A
 - vii. Monthly contractual salary — As listed in column entitled Counterfactual Monthly Earnings on Exhibit A
 - viii. Dates of breaks in service (if any) — N/A
 - ix. Termination of regularly appointed teacher service (if any) — September 7, 2013
 - x. Retirement date (if any) — May 31, 2016

STIPULATED AND AGREED UPON BY:



Joshua S. Sohn
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, NY 10038
Counsel for Plaintiffs



Nicholas Green
Assistant Corporation Counsel
The City of New York Law Department
100 Church Street
New York, NY 10007
Counsel for Defendant

DATED: 2/7/23

Exhibit A --
BOE Employment Title, Counterfactual Annual Salary
and Counterfactual Monthly Earnings

| Month | BOE Employment Title | Counterfactual Annual Salary | Counterfactual Monthly Earnings |
|--------------|-----------------------------|-------------------------------------|--|
| 1995-09 | Regularly Appointed Teacher | \$29,324 | \$2,444 |
| 1995-10 | Regularly Appointed Teacher | \$29,324 | \$2,444 |
| 1995-11 | Regularly Appointed Teacher | \$29,324 | \$2,444 |
| 1995-12 | Regularly Appointed Teacher | \$29,324 | \$2,444 |
| 1996-01 | Regularly Appointed Teacher | \$29,324 | \$2,444 |
| 1996-02 | Regularly Appointed Teacher | \$29,324 | \$2,444 |
| 1996-03 | Regularly Appointed Teacher | \$29,899 | \$2,492 |
| 1996-04 | Regularly Appointed Teacher | \$29,899 | \$2,492 |
| 1996-05 | Regularly Appointed Teacher | \$29,899 | \$2,492 |
| 1996-06 | Regularly Appointed Teacher | \$29,899 | \$2,492 |
| 1996-07 | Regularly Appointed Teacher | \$29,899 | \$2,492 |
| 1996-08 | Regularly Appointed Teacher | \$29,899 | \$2,492 |
| 1996-09 | Regularly Appointed Teacher | \$29,899 | \$2,492 |
| 1996-10 | Regularly Appointed Teacher | \$29,899 | \$2,492 |
| 1996-11 | Regularly Appointed Teacher | \$29,899 | \$2,492 |
| 1996-12 | Regularly Appointed Teacher | \$29,899 | \$2,492 |
| 1997-01 | Regularly Appointed Teacher | \$29,899 | \$2,492 |
| 1997-02 | Regularly Appointed Teacher | \$29,899 | \$2,492 |
| 1997-03 | Regularly Appointed Teacher | \$30,474 | \$2,540 |
| 1997-04 | Regularly Appointed Teacher | \$34,199 | \$2,850 |
| 1997-05 | Regularly Appointed Teacher | \$34,199 | \$2,850 |
| 1997-06 | Regularly Appointed Teacher | \$34,199 | \$2,850 |
| 1997-07 | Regularly Appointed Teacher | \$34,199 | \$2,850 |
| 1997-08 | Regularly Appointed Teacher | \$34,199 | \$2,850 |
| 1997-09 | Regularly Appointed Teacher | \$34,199 | \$2,850 |
| 1997-10 | Regularly Appointed Teacher | \$35,225 | \$2,935 |
| 1997-11 | Regularly Appointed Teacher | \$35,225 | \$2,935 |
| 1997-12 | Regularly Appointed Teacher | \$35,225 | \$2,935 |
| 1998-01 | Regularly Appointed Teacher | \$35,225 | \$2,935 |
| 1998-02 | Regularly Appointed Teacher | \$35,225 | \$2,935 |
| 1998-03 | Regularly Appointed Teacher | \$35,817 | \$2,985 |
| 1998-04 | Regularly Appointed Teacher | \$35,817 | \$2,985 |
| 1998-05 | Regularly Appointed Teacher | \$35,817 | \$2,985 |
| 1998-06 | Regularly Appointed Teacher | \$35,817 | \$2,985 |
| 1998-07 | Regularly Appointed Teacher | \$35,817 | \$2,985 |
| 1998-08 | Regularly Appointed Teacher | \$35,817 | \$2,985 |
| 1998-09 | Regularly Appointed Teacher | \$35,817 | \$2,985 |
| 1998-10 | Regularly Appointed Teacher | \$36,534 | \$3,045 |
| 1998-11 | Regularly Appointed Teacher | \$36,534 | \$3,045 |
| 1998-12 | Regularly Appointed Teacher | \$36,534 | \$3,045 |
| 1999-01 | Regularly Appointed Teacher | \$36,534 | \$3,045 |
| 1999-02 | Regularly Appointed Teacher | \$37,138 | \$3,095 |
| 1999-03 | Regularly Appointed Teacher | \$37,138 | \$3,095 |
| 1999-04 | Regularly Appointed Teacher | \$37,880 | \$3,157 |
| 1999-05 | Regularly Appointed Teacher | \$37,880 | \$3,157 |
| 1999-06 | Regularly Appointed Teacher | \$37,880 | \$3,157 |
| 1999-07 | Regularly Appointed Teacher | \$37,880 | \$3,157 |
| 1999-08 | Regularly Appointed Teacher | \$37,880 | \$3,157 |
| 1999-09 | Regularly Appointed Teacher | \$37,880 | \$3,157 |
| 1999-10 | Regularly Appointed Teacher | \$37,880 | \$3,157 |
| 1999-11 | Regularly Appointed Teacher | \$37,880 | \$3,157 |

Exhibit A --
BOE Employment Title, Counterfactual Annual Salary
and Counterfactual Monthly Earnings

| Month | BOE Employment Title | Counterfactual Annual Salary | Counterfactual Monthly Earnings |
|--------------|-----------------------------|-------------------------------------|--|
| 1999-12 | Regularly Appointed Teacher | \$39,890 | \$3,324 |
| 2000-01 | Regularly Appointed Teacher | \$39,890 | \$3,324 |
| 2000-02 | Regularly Appointed Teacher | \$41,034 | \$3,420 |
| 2000-03 | Regularly Appointed Teacher | \$41,034 | \$3,420 |
| 2000-04 | Regularly Appointed Teacher | \$41,034 | \$3,420 |
| 2000-05 | Regularly Appointed Teacher | \$41,034 | \$3,420 |
| 2000-06 | Regularly Appointed Teacher | \$41,034 | \$3,420 |
| 2000-07 | Regularly Appointed Teacher | \$41,034 | \$3,420 |
| 2000-08 | Regularly Appointed Teacher | \$41,034 | \$3,420 |
| 2000-09 | Regularly Appointed Teacher | \$41,034 | \$3,420 |
| 2000-10 | Regularly Appointed Teacher | \$41,034 | \$3,420 |
| 2000-11 | Regularly Appointed Teacher | \$42,675 | \$3,556 |
| 2000-12 | Regularly Appointed Teacher | \$45,062 | \$3,755 |
| 2001-01 | Regularly Appointed Teacher | \$45,062 | \$3,755 |

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
ELSA GULINO, MAYLING RALPH, PETER WILDS, :
and NIA GREENE, on behalf of themselves and all others :
similarly situated, : 96 Civ. 8414 (KMW)
:

Plaintiffs, :

- against - :

THE BOARD OF EDUCATION OF THE CITY :
SCHOOL DISTRICT OF THE CITY OF NEW YORK, :

Defendant. :

[PROPOSED]
CONSENT ORDER
AND
JUDGMENT
FOR
ZENEIDA
MARCELO

----- X
WHEREAS, the Court certified a remedy-phase class of Plaintiffs (*See Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Opinion and Order, No. 96-cv-8414, [ECF No. 386]), and Zeneida Marcelo (“Claimant”) is a member of that class;

WHEREAS, the Court appointed a Special Master (*See* May 20, 2014 Order of Appointment, [ECF No. 435]; November 12, 2014 Second Amended Order of Appointment, [ECF No. 524]) to hear, among other things, demands for damages;

WHEREAS, the Special Master made, and the Court adopted, Classwide Conclusions of Law, [ECF Nos. 999, 1008];

WHEREAS, the Board of Education of the City School District of the City of New York (“BOE”) and Plaintiffs entered into, and the Court so ordered, a Stipulation of Classwide Facts & Procedures, [ECF No. 1009];

WHEREAS, the BOE and Plaintiffs entered into, and the Court so ordered, a Sixth Supplemental Stipulation Concerning Admissibility of Exhibits, which attached a Sixth Supplemental Index of Exhibits (collectively referred to as the “Classwide Exhibits”) filed with the Court, [ECF No. 8247];

WHEREAS, Plaintiffs and the BOE have prepared the annexed Stipulated Findings of Fact and Conclusions of Law for Zeneida Marcelo (Exhibit 1), which the Plaintiffs and BOE agree that the Court should adopt;

WHEREAS, Plaintiffs and BOE consent to entry of this order and final judgment for Zeneida Marcelo pursuant to Federal Rule of Civil Procedure 54(b); and

WHEREAS, Plaintiffs and BOE have agreed not to appeal this order and final judgment for Zeneida Marcelo.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the annexed Stipulated Findings of Fact and Conclusions of Law for Zeneida Marcelo (Exhibit 1) is adopted;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Zeneida Marcelo will have judgment against the BOE in the amount of \$4,533.00, consisting of:

1. Backpay in the amount of \$2,883.00;
2. LAST Fees in the amount of \$370.00;
3. ASAF account award in the amount of \$167.00;
4. Pre-judgment interest calculated to be \$1,113.00; and
5. Pension-related relief pursuant to the terms of the Court's Order dated December 17, 2018 (Pension Stipulation & Order, [ECF No. 1014]).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, BOE will pay Zeneida Marcelo her judgment no later than July 31, 2022.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Zeneida Marcelo will be entitled to the following non-monetary relief:

1. The BOE is ordered to amend its internal service, salary, payroll, and human resources systems as follows:
 - a. Incorporate the "Pension Inputs" detailed in Paragraph 4 of Exhibit 1;
 - b. Incorporate Zeneida Marcelo's counterfactual monthly service history, as listed on Exhibit A to the Stipulated Findings and Fact and Conclusions of Law for Zeneida Marcelo; and
 - c. Grant Zeneida Marcelo retroactive seniority based on her counterfactual monthly service history, as described in Paragraph 4 of Exhibit 1.


IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this judgment be certified as final pursuant to Federal Rule of Civil Procedure 54(b).

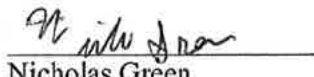
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this action for purposes of carrying out the terms of the Consent Order and Judgment, or granting such further relief as this Court deems just and proper.

Dated: 02-04-23

STIPULATED AND AGREED UPON BY:


ZENEIDA MARCELO


Joshua S. Sohn
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, NY 10038
Counsel for Plaintiffs


Nicholas Green
Assistant Corporation Counsel
The City of New York Law Department
100 Church Street
New York, NY 10007
Counsel for Defendant

ENTERED

Exhibit 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
ELSA GULINO, MAYLING RALPH, PETER WILDS,
and NIA GREENE, on behalf of themselves and all others
similarly situated,

Plaintiffs,

- against -

THE BOARD OF EDUCATION OF THE CITY
SCHOOL DISTRICT OF THE CITY OF NEW YORK,

Defendant.
----- x

:
:
: 96 Civ. 8414 (KMW)
:

: **STIPULATED**
: **FINDINGS OF FACT**
: **AND CONCLUSIONS**
: **OF LAW FOR**
: **ZENEIDA MARCELO**
:

1. Pursuant to the parties' Sixth Stipulation Regarding Expedited Hearing Process, dated October 21, 2021, the parties stipulate to the following;
2. Zeneida Marcelo is a member of the Plaintiff class in this action, and is entitled to monetary and injunctive relief from Defendant, the Board of Education of the City School District of the City of New York ("BOE"), as compensation for the injuries she suffered as a result of what the Court found to be the BOE's discrimination.⁸
3. Based on the evidence presented, and the Special Master's prior rulings in this action, which have been affirmed by the Court, Zeneida Marcelo has satisfied her burden of establishing her entitlement to the following monetary relief:
 - a. Backpay in the amount of \$2,883.00;
 - b. \$370.00 to compensate her for the fees she paid to take the Liberal Arts and Sciences Test; and
 - c. Annuity Savings Accumulation Fund damages in the amount of \$167.00;
 - d. Pre-judgment interest in the amount of \$1,113.00.

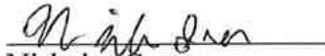
⁸ See *Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Opinion and Order, 1:96-cv-08414, [ECF No. 321]; *Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Opinion and Order, 1:96-cv-08414, [ECF No. 386].

4. Based on the Special Master's and the Court's prior rulings in this action, Zeneida Marcelo has satisfied her burden of establishing her entitlement to the following non-monetary relief:
 - a. The BOE's internal service, salary, payroll, and human resources systems should be amended to incorporate Zeneida Marcelo's counterfactual monthly BOE service history, as listed in the column entitled Title on Exhibit A;
 - b. Zeneida Marcelo should receive retroactive seniority, based on the counterfactual monthly BOE service listed in the column entitled BOE Employment Title on Exhibit A, with respect to salary-step advancement, longevity bonuses, accrual of years of service for pension, post-retirement health care benefits, accrual of CAR days, sabbatical leave rights, restoration of health leave rights, and hardship transfers;
 - c. Pursuant to the procedures set forth in the Pension Stipulation & Order, [ECF No. 1014], the following information regarding Zeneida Marcelo (the "Pension Inputs") should be imported into the Teachers' Retirement System of the City of New York:
 - i. Date of Birth — [REDACTED], 1965
 - ii. Gender — Female
 - iii. Address — [REDACTED] New York, NY 10034
 - iv. Counterfactual date of appointment as a regularly appointed teacher — November 10, 1998
 - v. BOE Employment Title — As listed in column entitled Title on Exhibit A
 - vi. Annual contractual salary — As listed in column entitled Counterfactual Annual Salary on Exhibit A
 - vii. Monthly contractual salary — As listed in column entitled Counterfactual Monthly Earnings on Exhibit A
 - viii. Dates of breaks in service (if any) — N/A
 - ix. Termination of regularly appointed teacher service (if any) — N/A
 - x. Retirement date (if any) — N/A

STIPULATED AND AGREED UPON BY:



Joshua S. Sohn
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, NY 10038
Counsel for Plaintiffs



Nicholas Green
Assistant Corporation Counsel
The City of New York Law Department
100 Church Street
New York, NY 10007
Counsel for Defendant

DATED: 2/4/23

Exhibit A --
BOE Employment Title, Counterfactual Annual Salary
and Counterfactual Monthly Earnings

| Month | BOE Employment Title | Counterfactual Annual Salary | Counterfactual Monthly Earnings |
|--------------|-----------------------------|-------------------------------------|--|
| 1998-11 | Regularly Appointed Teacher | \$35,326 | \$2,944 |
| 1998-12 | Regularly Appointed Teacher | \$35,326 | \$2,944 |
| 1999-01 | Regularly Appointed Teacher | \$35,326 | \$2,944 |
| 1999-02 | Regularly Appointed Teacher | \$35,326 | \$2,944 |
| 1999-03 | Regularly Appointed Teacher | \$35,326 | \$2,944 |
| 1999-04 | Regularly Appointed Teacher | \$36,648 | \$3,054 |
| 1999-05 | Regularly Appointed Teacher | \$36,648 | \$3,054 |
| 1999-06 | Regularly Appointed Teacher | \$36,648 | \$3,054 |
| 1999-07 | Regularly Appointed Teacher | \$36,648 | \$3,054 |
| 1999-08 | Regularly Appointed Teacher | \$36,648 | \$3,054 |
| 1999-09 | Regularly Appointed Teacher | \$36,644 | \$3,054 |
| 1999-10 | Regularly Appointed Teacher | \$36,644 | \$3,054 |
| 1999-11 | Regularly Appointed Teacher | \$36,644 | \$3,054 |
| 1999-12 | Regularly Appointed Teacher | \$40,027 | \$3,336 |
| 2000-01 | Regularly Appointed Teacher | \$40,027 | \$3,336 |
| 2000-02 | Regularly Appointed Teacher | \$40,027 | \$3,336 |
| 2000-03 | Regularly Appointed Teacher | \$40,027 | \$3,336 |
| 2000-04 | Regularly Appointed Teacher | \$40,665 | \$3,389 |
| 2000-05 | Regularly Appointed Teacher | \$40,665 | \$3,389 |
| 2000-06 | Regularly Appointed Teacher | \$40,665 | \$3,389 |
| 2000-07 | Regularly Appointed Teacher | \$42,733 | \$3,561 |
| 2000-08 | Regularly Appointed Teacher | \$42,733 | \$3,561 |
| 2000-09 | Regularly Appointed Teacher | \$42,733 | \$3,561 |
| 2000-10 | Regularly Appointed Teacher | \$42,733 | \$3,561 |
| 2000-11 | Regularly Appointed Teacher | \$44,442 | \$3,704 |
| 2000-12 | Regularly Appointed Teacher | \$44,442 | \$3,704 |
| 2001-01 | Regularly Appointed Teacher | \$44,442 | \$3,704 |
| 2001-02 | Regularly Appointed Teacher | \$44,442 | \$3,704 |
| 2001-03 | Regularly Appointed Teacher | \$45,106 | \$3,759 |
| 2001-04 | Regularly Appointed Teacher | \$45,106 | \$3,759 |
| 2001-05 | Regularly Appointed Teacher | \$45,106 | \$3,759 |
| 2001-06 | Regularly Appointed Teacher | \$45,106 | \$3,759 |
| 2001-07 | Regularly Appointed Teacher | \$45,106 | \$3,759 |
| 2001-08 | Regularly Appointed Teacher | \$45,106 | \$3,759 |
| 2001-09 | Regularly Appointed Teacher | \$45,786 | \$3,816 |
| 2001-10 | Regularly Appointed Teacher | \$45,786 | \$3,816 |
| 2001-11 | Regularly Appointed Teacher | \$48,075 | \$4,006 |
| 2001-12 | Regularly Appointed Teacher | \$48,075 | \$4,006 |
| 2002-01 | Regularly Appointed Teacher | \$48,075 | \$4,006 |
| 2002-02 | Regularly Appointed Teacher | \$48,075 | \$4,006 |
| 2002-03 | Regularly Appointed Teacher | \$49,325 | \$4,110 |
| 2002-04 | Regularly Appointed Teacher | \$49,325 | \$4,110 |
| 2002-05 | Regularly Appointed Teacher | \$49,325 | \$4,110 |
| 2002-06 | Regularly Appointed Teacher | \$49,325 | \$4,110 |
| 2002-07 | Regularly Appointed Teacher | \$49,325 | \$4,110 |
| 2002-08 | Regularly Appointed Teacher | \$49,325 | \$4,110 |
| 2002-09 | Regularly Appointed Teacher | \$55,341 | \$4,612 |
| 2002-10 | Regularly Appointed Teacher | \$55,341 | \$4,612 |
| 2002-11 | Regularly Appointed Teacher | \$55,341 | \$4,612 |
| 2002-12 | Regularly Appointed Teacher | \$55,341 | \$4,612 |
| 2003-01 | Regularly Appointed Teacher | \$55,341 | \$4,612 |

Exhibit A --
BOE Employment Title, Counterfactual Annual Salary
and Counterfactual Monthly Earnings

| Month | BOE Employment Title | Counterfactual Annual Salary | Counterfactual Monthly Earnings |
|--------------|-----------------------------|-------------------------------------|--|
| 2003-02 | Regularly Appointed Teacher | \$55,341 | \$4,612 |
| 2003-03 | Regularly Appointed Teacher | \$57,804 | \$4,817 |
| 2003-04 | Regularly Appointed Teacher | \$57,804 | \$4,817 |
| 2003-05 | Regularly Appointed Teacher | \$57,804 | \$4,817 |
| 2003-06 | Regularly Appointed Teacher | \$57,804 | \$4,817 |
| 2003-07 | Regularly Appointed Teacher | \$57,804 | \$4,817 |
| 2003-08 | Regularly Appointed Teacher | \$57,804 | \$4,817 |
| 2003-09 | Regularly Appointed Teacher | \$60,729 | \$5,061 |
| 2003-10 | Regularly Appointed Teacher | \$60,729 | \$5,061 |
| 2003-11 | Regularly Appointed Teacher | \$60,729 | \$5,061 |
| 2003-12 | Regularly Appointed Teacher | \$61,943 | \$5,162 |
| 2004-01 | Regularly Appointed Teacher | \$61,943 | \$5,162 |